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EXAMINER

BAYAT, BRADLEY B

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3621

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/729,051

Filing Date: December 04, 2000

Appellant(s): BINGHAM ET AL.

Mr. Trent A. Kirk
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 8, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-28 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,446,045	STONE et al.	9-2002
5,926,798	CARTER	7-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. (hereinafter Stone), U.S. Patent No. 6,446,045 in view of Carter, U.S. Patent No. 5,926,798.

As per claims 1, 14, 21 and 28, Stone discloses a method/data-processing system/medium comprising:

- receiving a reservation request for a meeting package from a user (column 15, line 66-column 1, line 21);
- reserving a plurality of meeting facility resources in response to receiving said reservation request (figure 3d and associated text).

Stone does not explicitly disclose defining a meeting package including a plurality of meeting facility resources, said plurality of meeting facility resources including a meeting room and a guest room of a meeting facility. Carter discloses a method of “performing computer-based on-line commerce in which a client computer issues a commercial request and a plurality of server computers is available to service said request,” wherein decisions as to which server should serve the request is based on reviewing provided content-related information and business policies (column 4, lines 5-10). Carter further teaches that upon defining and ultimately checking the elements needed to meet the specifications (i.e., reservation availability, booking, cost of products and services etc.) of the complete package, the servers are capable of satisfying the various aspects of the client request (column 6, lines 3-9; column 7, lines 1-3; column 8, lines

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15-61). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Stone and include the ability to define and analyze a plurality of inter-related "sub-requests" in order to coordinate a reservation package. Carter provides motivation by indicating that a consumer might choose to make an online reservation request by defining and assembling various elements in order to coordinate the needed specifications of a complete package (column 3, lines 53-58; column 6, lines 3-13).

As per claims 2, 15 and 22, Stone further discloses determining a price for said meeting facility based at least partially on a user profile (columns 3-4; column 18, lines 9-22).

As per claims 3, 16 and 23, Stone further discloses determining whether each of said plurality of meeting facility resources is available for reservation utilizing said inventory data; and displaying said inventory data for said meeting facility in response to a determination that each of said plurality of meeting facility resources is not available for reservation, and further wherein reserving each of said plurality of meeting facility resources in response to receiving said reservation request comprises: reserving each of said plurality of meeting facility resources in response to a determination that each of said plurality of meeting facility resources is available for reservation (column 17, line 15-column 18, line 22; figures 3a-3k and 3i-a and associated text).

As per claim 4, Stone et al. further discloses updating said inventory data (column 3, line 39-column 4, line 16).

As per claim 5, Stone further discloses defining a meeting package for each of a plurality of meeting facilities; and receiving a reservation request for said meeting package from a user comprises receiving a user selection of one of said plurality of meeting packages (figures 3a-3k and 3i-a and associated text).

As per claim 6, Stone further discloses transmitting a confirmation message to said user (figures 3a-3k and 3i-a and associated text).

As per claims 7, 17 and 24, Stone further discloses receiving meeting facility criteria including a preferred meeting date, a guest room quantity, and a meeting room quantity, wherein defining a meeting package comprises defining said meeting package based on said meeting facility criteria (figures 3a-3k and 3i-a and associated text; column columns 17-44).

As per claims 8, 18 and 25, Stone further discloses defining a reservation rule for said meeting facility, wherein defining a meeting package based on said meeting facility criteria comprises: determining whether said meeting facility criteria satisfy said reservation rule; and identifying said reservation rule to said user in response to a determination that said meeting facility criteria do not satisfy said reservation rule (figures 2a-e and associated text; text describing the presentation rules database).

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As per claims 9, 19 and 26, Stone further discloses modifying one of said meeting facility criteria in response to a determination that said meeting facility criteria do not satisfy said reservation rule; and defining said meeting package based on said modified meeting facility criterion (figures 3a-3k and 3i-a and associated text).

As per claim 10, Stone further discloses prompting said user to adjust said meeting facility criteria; and receiving an adjusted meeting facility criterion in response to said prompting (figure 3b and associated text).

As per claim 11, Stone further discloses determining whether said meeting facility criteria satisfy said reservation rule; and modifying said reservation rule in response to a determination that said meeting facility criteria do not satisfy said reservation rule (figures 3a-3k and 3i-a and associated text).

As per claims 12, 20 and 27, Stone further discloses defining a reservation quota for said meeting facility, wherein modifying said reservation rule comprises: determining whether said reservation quota is satisfied; and modifying said reservation rule in response to a determination that said reservation quota is not satisfied (figures 3a-3k and 3i-a and associated text).

As per claim 13, Stone further discloses receiving food and beverage information; and defining a meeting package based on said meeting facility criteria comprises defining a meeting

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package including a plurality of meeting facility resources, said plurality of meeting facility resources including food and beverage service (column 17, lines 1-45).

(11) Response to Argument

Appellant's arguments (Appellant's appeal brief pages 4-8) with respect to the rejection of claims 1-28 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. The rejection of claims 1-28 under 35 U.S.C. 112, second paragraph only has been withdrawn.

Appellant's arguments (appeal's brief pages 8-13), however, filed with respect to rejection of claims 1-28 under 35 U.S.C. 103(a) have been fully considered but are not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Stone and Carter disclose a real-time online reservation request and transaction processing systems that provides inventory-available products, goods and service resources to assemble a complete package that can be otherwise time consuming, inefficient and costly. The Appellant's contends that Stone is directed to solving a different problem by "accommodating the seller" while Carter is concerned with "accommodating the buyer

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(Appellant's brief page 10)." On the contrary, Stone discloses the advantages and usefulness of its electronic commerce and confirmation system to the buying public for the sale, reservation and purchase of goods and services (Stone: column 3, lines 39-57).

Appellant further argues that as per claims 1-27, "none of the aforementioned references, alone or in combination, teach or suggest reserving a plurality of meeting facility resources" (Appellant's brief page 10)." Appellant's defines meeting facility resources of a meeting package as "hotel guest rooms, meeting rooms, or food or beverage service (Appellant's specification page 3)." In fact, Stone describes reservation of lodging facilities, wherein facility resources and criteria such as "facility description, facility photos, room descriptions, room photos, facility amenities, room service menu, payment types accepted, meeting and reception services offered, meeting rooms, photos of meeting rooms, policies, rates, special package offers, media or venue choices, and any other information to assist in the presentation and the sale of the lodging (column 17, lines 17-25; column 10, lines 24-29)." Furthermore, Carter expresses the need for assembling various elements to meet the specifications of the user requesting a complex package of multiple products or services to facilitate the complete package (column 6, lines 3-13).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Appellant further contends that neither reference teaches or suggests a storage device for storing the aforementioned resources and a data processing system to create the meeting

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package including availability information regarding the meeting facility resources (Appellant's brief page 11). The examiner asserts that both references explicitly disclose and teach the use of a storage device (i.e., database servers) and processing system to effectuate reservation confirmations involving a plurality of resources (Stone: column 12, line 55-column 13, line 36; Carter: column 5, line 10-33, column 8, line 15-67).

As per claim 28, the Appellant argues that neither of the cited references "teach or suggest a communication network that includes a meeting package reservation server coupled to a meeting planner client that is able to create a meeting package definition using a customer profile, a reservation rule, and inventory data (Appellant's brief page 12)." On the contrary, Stone and Carter describe a communications network wherein usage profiles, cookies, buyer IDs, reservation and business rules or policies, or an "electronic diary stored via a personal information manager software program on the client computer system" can be utilized to determine suitability against inventory availability to create a reservation package (Stone: column 9, line 15-column 10, line 29; Carter: column 6, line 59-column 7, line 9). In column 18, lines 9-22, Stone discloses:

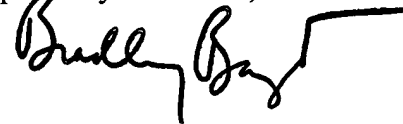
The Inventory Database 1660 will have data fields containing information that monitors and controls the inventory of products, goods, and services offered for sale by the Sellers within the interactive sales portion of the present invention. The data fields held by the Inventory Database 1660 will vary from seller type to seller type, depending on the type of products, goods, or services that are being sold or reserved. As an example, if an embodiment of the present invention were configured to present lodging facilities, the Inventory Database 1660 might contain fields for Buyer ID, types of rooms, number of rooms available for each type, blocked rooms, blocked dates, room rates, exception date rates, and any other fields necessary to present and control that room inventory.

Furthermore, Carter describes customizing information and content by each individual buyer or user so that "choices and desires" are satisfied in carrying out the user reservation request while reviewing server inventory data (column 3, lines 1-21; column 8, line 15-67).

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



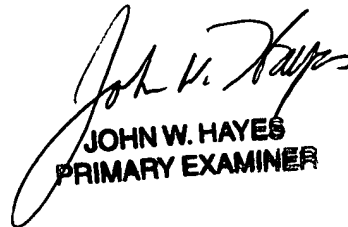
Bradley B. Bayat, Esq.

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Art Unit 3621
December 21, 2004

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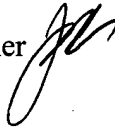


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